

## **REMARKS**

### **Rejections under § 102(b) based on Clinton**

Independent claim 1 was rejected as anticipated by U.S. Patent No. 2,941,650 (Clinton). The Applicant respectfully traverses the rejection. In response, claim 1 has been amended to more clearly define the invention. Claim 1 pointed out that the one or more lane dividers move back and forth “in the direction of transport.” It has been amended to clarify that when the lane dividers move back and forth in and against the direction of transport, they maintain a position parallel with respect to each other and the conveyor belt. (Present Application, Paragraphs 40, 44 and 47) In clear contrast, Clinton teaches lane dividers that engage only in a “pivotal movement.” (Clinton, Column 3, Lines 12-19) Because the lane dividers in Clinton are connected to a cross member that is fixed at a pivot point by a bracket (Clinton, Figure 5, Elements 23, 24, 26 and 52; Column 2, Line 69—Column 3, Line 8), the disclosed lane dividers can only traverse the conveyor belt, and cannot move in and against the direction of transport. Thus, the Clinton design is representative of the prior art designs, the disadvantages of which the present invention overcomes. In particular, the type of movement allowed for in claim 1 “effectively prevents a reciprocal wedging or a bridge formation” of items on the conveyor belt. (Present Application, Paragraph 52) As more clearly pointed out by the foregoing amendments, in the present invention, the movement of the lane dividers in the direction of transport in a position parallel to each other and the conveyor belt clearly distinguishes claim 1 from Clinton. Accordingly, it is submitted that claim 1 is allowable. Claims 2, 5 and 9 that depend from claim 1 are allowable for the same reasons.

### **Objections**

Dependent claim 3 was objected to as being dependent from originally rejected claim 1, but is otherwise allowable if rewritten in independent form. In response, the Applicant has canceled claim 3 and has rewritten it in independent form as claim 10. Accordingly, claim 10 is allowable.

Original claims 4, 6 and 7 were objected to as being dependent from claim 3 because claim 3 was dependent from rejected claim 1. Claims 4, 6 and 7 have been renumbered as claims 11, 12 and 13 respectively and are now dependant on claim 10. Thus, claims 11-13 are allowable for the same reasons as claim 10.

### **New Claims**

Independent claims 14 and 18 have been added and are allowable for reasons similar to independent claims 1 and 10.

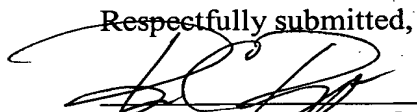
Claim 14 is allowable for similar reasons to independent claim 1. As in claim 1, in claim 14 the lane dividers move in and against the direction of transport at the same time. In claim 14, this is the result of the lane dividers being fixed to a common frame. The frame is part of a lane divider assembly suspended from a rotatable beam, which moves in and against the direction of transport. Since these elements are not disclosed in Clinton, claim 14 is allowable over Clinton. Claims 15-17 that depend from claim 14 are allowable for the same reasons.

Claim 18 is allowable for reasons similar to independent claim 10. Claim 10 (originally claim 3) is allowable because it contains all of the limitations of original claim 1 and a limitation where the distance between the side rails increases in the direction of transport. Claim 18 includes the foregoing limitation as well and is therefore allowable over Clinton for the same reason as claim 10. Claims 19 and 20 that depend from claim 18 are allowable for the same reasons.

### **Conclusion**

For the foregoing reasons, all pending claims in the present application are believed to be allowable. Thus, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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